

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

DORIAN WILSON)	
Claimant)	
VS.)	
)	Docket No. 251,182
THE VILLAGES, INC.)	
Respondent)	
AND)	
)	
CGU HAWKEYE-SECURITY)	
Insurance Carrier)	

ORDER

Respondent appeals Administrative Law Judge Brad E. Avery's August 29, 2000, Order Extending Terminal Dates.

APPEARANCES

George H. Pearson of Topeka, Kansas, appeared on behalf of claimant. Michael H. Stang of Overland Park, Kansas, appeared on behalf of respondent and its insurance carrier.

RECORD

There was no hearing held by the Administrative Law Judge before he entered the August 29, 2000, Order Extending Terminal Dates. The Workers Compensation administrative file contains a Motion for Extension of Claimant's Terminal Date for Rebuttal Testimony, Objection of Respondent and Carrier to Claimant's Motion for Extension of Terminal Date, Claimant's Response to Respondent's Objection to Claimant's Motion for Extension of Terminal Date, and a letter to Administrative Law Judge Brad E. Avery from respondent's attorney, Michael H. Stang, dated August 28, 2000, in reply to Claimant's Response to Respondent's Objection to Claimant's Motion for Extension of Terminal Date.

ISSUES

Claimant filed a motion before the ALJ requesting a 30-day extension of her terminal date for the purpose of deposing witnesses to rebut the testimony of one of respondent's

witnesses who recently testified by deposition. As a result of claimant's request, the ALJ, in the Order that is subject to this appeal, extended claimant's terminal date to September 15, 2000.

On appeal, the respondent contends the ALJ erred when he granted claimant's request for the extension of her terminal date because the claimant did not satisfy the statutory requirement that good cause be shown.¹ Respondent requests the Appeals Board to reverse the ALJ's Order that extended claimant's terminal date to September 15, 2000.

Claimant, on the other hand, contends the Appeals Board, at this point in the proceedings, does not have jurisdiction to review the ALJ's Order that extended her terminal date to September 15, 2000. Thus, the claimant requests the Appeals Board to dismiss the respondent's appeal.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record and considering the parties' briefs, the Appeals Board finds that respondent's appeal should be dismissed.

The Appeals Board has jurisdiction to review only "[a]ll final orders, awards, modification of awards, or preliminary hearing awards under K.S.A. 44-534a and amendments thereto made by an administrative law judge."² The Appeals Board finds that this appeal is not from an order entered pursuant to the preliminary hearing statute.³ Thus, for the Appeals Board to have jurisdiction to review the subject order, the order must be a final order, award, or modification of an award. The Appeals Board concludes that the ALJ's Order that granted claimant's request for an extension of her terminal date is an interlocutory order made by the ALJ during the litigation of a workers compensation case. It is an order that the ALJ has authority to make during the trial process, and the Appeals Board lacks jurisdiction to review such an order until it is contained in a final order or award.⁴

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that respondent's appeal from Administrative Law Judge Brad E. Avery's August 29, 2000, Order Extending Terminal Dates should be, and is hereby, dismissed.

¹ See K.S.A. 1999 Supp. 44-523(b)(3).

² See K.S.A. 1999 Supp. 44-551(b)(1).

³ See K.S.A. 1999 Supp. 44-534a.

⁴ See *Spencer v. M. Katch & Co., Inc.*, WCAB Docket No. 216,309 (October 1998).

IT IS SO ORDERED.

Dated this ____ day of December 2000.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: George H. Pearson, Topeka, KS
Michael H. Stang, Overland Park, KS
Brad E. Avery, Administrative Law Judge
Philip S. Harness, Director